

Message Text

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ORIGIN AF-06

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DRAFTED BY AF/S:WFEATON:DRP

APPROVED BY AF/S:WPO'NEILL, JR.

L/T:WMMCQUADE

AF/EX:GKRYZA

L/AF:CASCHMITZ

S/CPR:MKEATING

L/M:MR. SHAMWELL

----- 121800

P R 262240Z MAR 75

FM SECSTATE WASHDC

TO AMEMBASSY GABORONE PRIORITY

INFO AMEMBASSY MASERU

AMEMBASSY MBABANE

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E.O. 11652: N/A

TAGS: ABLD, ABUD, BC

SUBJECT: TAXATION OF EMBASSY PROPERTY

1. AMBASSADOR DAMBE HAS FORMALLY REQUESTED BY DIPLOMATIC
NOTE THAT D.C. RESIDENCE OF FIRST SECRETARY BE EXEMPTED
FROM D.C. REAL ESTATE PROPERTY TAXES. EXEMPTION REQUESTED
ON BASIS OF RECIPROCITY SINCE AMBASSADOR DAMBE CLAIMS THAT
ALL U.S. HOUSING IN BOTSWANA ENJOYS TAX FREE STATUS.
DEPARTMENT PREPARING RESPONSE INFORMING AMBASSADOR THAT
UNDER D.C. CODE, EXEMPTION FROM REAL ESTATE TAXATION IS
GIVEN TO FOREIGN GOVERNMENT OWNED PROPERTY USED AS A
CHANCERY, CHANCERY ANNEX, OR RESIDENCE OF A CHIEF OF
MISSION, UNLESS ADDITIONAL EXEMPTIONS ARE PROVIDED BY
APPLICABLE TREATY PROVISION. DEPARTMENT INTERPRETS
ARTICLE 23 OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS
WHICH PROVIDES THAT THE SENDING STATE AND THE HEAD OF THE
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MISSION SHALL BE EXEMPT FROM ALL NATIONAL, REGIONAL OR

MUNICIPAL DUES AND TAXES IN RESPECT OF THE PREMISES OF THE MISSION AS NOT APPLYING TO THE RESIDENCES OF DIPLOMATIC AGENTS OTHER THAN THE CHIEF OF MISSION.

2. AMBASSADOR DAMBE WAS ORALLY INFORMED IN EARLY MARCH THAT THERE WAS NO AUTHORITY ON WHICH TO BASE A CLAIM FOR EXEMPTION UNLESS FIRST SECRETARY WAS RECOGNIZED AS A CONSULAR OFFICER SO THAT AN EXEMPTION COULD BE REQUESTED UNDER 1951 U.S. -U.K. CONSULAR CONVENTION. AMBASSADOR DAMBE HAS TOLD US THAT THE GOB DOES NOT WISH TO REQUEST CONSULAR RECOGNITION FOR THE FIRST SECRETARY AND FURTHER BELIEVES THAT THE U.S.-U.K. CONSULAR CONVENTION IS NOT IN FORCE FOR BOTSWANA. DEPT. CURRENTLY INVESTIGATING THIS CONTENTION.

3. SINCE DEPARTMENT IS UNABLE TO ACCEDDE TO GOB REQUEST

FOR EXEMPTION OF REAL ESTATE TAXATION ON FIRST SECRETARY'S RESIDENCE, WE BELIEVE THAT GOB MAY RETALIATE BY REMOVING TAX-FREE STATUS OF SOME OR MOST U.S. HOUSING IN BOTSWANA. WE WOULD APPRECIATE KNOWING WHETHER ALL U.S. HOUSING IN BOTSWANA DOES IN FACT ENJOY TAX-FREE STATUS AND EMBASSY'S ESTIMATE OF AMOUNT OF TAXES WHICH WOULD HAVE TO BE PAID IF GOB DID DECIDE TO RETALIATE. KISSINGER

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Margaret P. Grafeld
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